

MARYLAND CODES ADMINISTRATION

Model Performance Code

COMAR 05.02.01

Effective January 1, 2015



The Maryland Department of Housing and Community Development (DHCD) pledges to foster the letter and spirit of the law for achieving equal housing opportunity in Maryland.

Title 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Subtitle 02 BUILDING AND MATERIAL CODES

Chapter 01 Model Performance Code

Authority: Public Safety Article, §§12-201—12-204, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Department" means the Department of Housing and Community Development.

(2) "ICC" means the organization known as the International Code Council.

(3) "High performance home" has the meaning stated in Public Safety Article, §12-509(a), Annotated Code of Maryland.

(4) Hotel.

(a) "Hotel" means an establishment that offers sleeping accommodations for compensation.

(b) "Hotel" does not include a bed and breakfast establishment.

(5) "Industrialized building" has the meaning stated in Public Safety Article, §12-301(d), Annotated Code of Maryland.

(6) "Master control device" means:

(a) A control that is activated when a person enters the room through the primary room-access method; or

(b) An occupancy sensor control that is activated by a person's presence in the room.

(7) "Model Performance Code and Model Code" means the Model Performance Code for building construction as detailed in Regulation .03 of this chapter.

(8) "NFPA" means National Fire Protection Association, Inc.

(8) "Person" means any private individual, firm, or corporation and any public officer or agency.

(10) "Regulations" means the regulations as defined in Regulation .02 of this chapter.

(11) "Secretary" means the Secretary of Housing and Community Development, or a designated representative.

(12) "State certified inspector" means an individual qualified by reason of experience, training, and/or examination, to inspect buildings for compliance with the State Model Performance Code, and certified pursuant to Regulation .07 of this chapter.

.02 General.

A. Title. These regulations shall be known and may be cited as the Maryland Model Performance Code Regulations. Except as otherwise indicated, "regulations" as used here shall mean the Maryland Model Performance Code Regulations.

B. Application.

(1) These regulations may not be binding upon any subdivision of the State unless the subdivision adopts the Model Performance Code, by law, ordinance, or resolution of its governing body referring to the Model Performance Code.

(2) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 after the effective date of these regulations:

(a) This chapter and the codes incorporated by reference apply to any approved building provided that construction begins prior to 6 months after the Department's adoption of the 2018 edition of the International Building Code; and

(b) The approved testing facility shall state in its approval letter to the Department and the manufacturer of the building:

(i) The date of approval; and

(ii) That approval will expire for a building unless construction begins prior to 6 months after Department's adoption of the 2018 edition of the International Building Code.

(3) For industrialized buildings approved by an approved testing facility under COMAR 05.02.04 prior to the effective date of these regulations, the previous version of COMAR 05.02.01 and the 2012 International Building Code shall apply provided that construction begins prior to 6 months after the effective date of these regulations.

C. Equivalency. Nothing in the Model Performance Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by the Model Code, providing technical

documentation is submitted to the authority having jurisdiction to demonstrate equivalency, and the system, method, or device is approved for the intended purpose.

D. The Department encourages home builders to construct new high performance homes.

.02-1 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference, except as modified in Regulation .03 of this chapter.

B. Documents Incorporated.

(1) 2015 International Building Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(2) 2015 International Plumbing Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(3) National Electrical Code, 2011 Edition (National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269).

(4) 2015 International Residential Code for One- and Two-Family Dwellings (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(5) 2015 International Mechanical Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(6) 2015 International Energy Conservation Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, DC 20001).

(7) 2012 International Green Construction Code (International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington DC 20001).

.03 Model Performance Code.

A. The standards incorporated by reference in Regulation .02-1 of this chapter, and modified as follows, constitute the Model Performance Code for building construction in the State:

(1) For industrialized building construction:

(a) International Building Code with the following modifications:

(i) Chapter 1. Delete Section 101.2.1 Appendices and replace with the following:

101.2.1 Appendices: All the provisions in the Appendices are adopted as part of the IBC except those in Appendices A, B, D, E, and K;

(ii) Chapter 9. Add note to Section 901.1 Scope: Fire protection system requirements of Chapter 9 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-202, Annotated Code of Maryland, and COMAR 29.06.01;

(iii) Chapter 10. Add note to Section 1001.1 General: Means of egress requirements of Chapter 10 may be concurrently covered in the State Fire Prevention Code, Public Safety Article, §§6-101—6-602, Annotated Code of Maryland, and COMAR 29.06.01;

(iv) Chapter 11. Chapter 11, related to accessibility requirements, is hereby replaced with the Maryland Accessibility Code set forth in COMAR 05.02.02;

(v) Chapter 24. The requirements for safety glazing set forth in Public Safety Article, Title 12, Subtitle 4, Annotated Code of Maryland, are in addition to Chapter 24, Section 2406, of the IBC related to safety glazing. In the event of a conflict between Chapter 24 of the IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland prevail;

(vi) Chapter 30. The provisions of Chapter 30 of the IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Public Safety Article, Title 12, Subtitle 8, Annotated Code of Maryland. In the event of a conflict between the IBC and the Annotated Code of Maryland, the provisions of the Annotated Code of Maryland prevail;

(b) International Plumbing Code with the following modification: Delete all of §404.0 — the subject matter is covered by Maryland Accessibility Code, COMAR 05.02.02,

(c) National Electrical Code,

(d) International Mechanical Code;

(e) International Residential Code for One- and Two-Family Dwellings with the following modification:

Chapter 1. Delete the Section 102.5 Appendices and replace with the following:

102.5 Appendices: All the provisions in the Appendices are adopted as part of the IRC except those in Appendices E, J, and L;

(f) 2015 International Energy Conservation Code with the following modification: Add a note to Section 405.2.3 Specific Application Controls: For the new construction of hotels, each hotel guest room shall be equipped with a master control device in compliance with COMAR 05.02.07.04D(2);

(g) If an industrialized building manufacturer desires to or has been requested to construct a building to the 2012 International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(1) with the following modifications:

(i) Chapter 1. Delete Section 101.4 Appendices and replace with the following: All the provisions in the appendices are adopted as part of the IGCC except those in the appendices C and D;

(ii) Chapter 3. Add following note to Section 302.1 Item 1: In Table 302.1, Select “Yes” for residential buildings as indicated in Exception 1 to Section 101.3; and

(iii) The §A(1)(g) does not preempt the authority reserved to local jurisdictions to regulate matters in the IGCC including land use, site placement, and other matters that do not affect the structure or design of the industrialized building; and

(h) The Department encourages home builders to construct new high-performance homes.

(2) For all other building construction:

(a) The International Building Code with modifications related to building standards, as adopted under COMAR 05.02.07.04,

(b) Plumbing Code requirements adopted under Business Occupations and Professions Article, §§12-101—12-702, Annotated Code of Maryland,

(c) National Electrical Code,

(d) International Mechanical Code;

(e) The International Residential Code for One- and Two-Family Dwellings with modifications related to building standards, as adopted under COMAR 05.02.07.04;

(f) 2015 International Energy Conservation Code with modifications related to building standards, as adopted under COMAR 05.02.07.04; and

(g) If a builder desires to or has been requested to construct a building to the 2012 International Green Construction Code (IGCC) standards they may use the IGCC in addition to the other codes in §A(2).

B. The incorporated documents listed above are on deposit in the following public libraries:

(1) Maryland Department of Legislative Reference Library, 90 State Circle, Annapolis, MD 21401, Monday through Friday, 8:30 am—4:30 pm;

(2) State Library Resource Center, Enoch Pratt Central, Maryland Department, Cathedral Street, Baltimore, MD 21201, Monday through Thursday, 9 am—9 pm; Friday and Saturday, 9 am—5 pm; Sunday (October—May), 1 pm—5 pm;

(3) Frostburg State University Library, Midlothian Road and Center Street, Frostburg, MD 21532, Monday through Thursday, 3:30—12 midnight; Friday, 3:30—10 pm; Saturday, 8:30 am—5 pm; Sunday, 1 pm—12 midnight;

(4) Southern Maryland Regional Library, Charles County Public Library Building, Charles and Garrett Streets, La Plata, MD 20642, Monday through Thursday, 9 am—8 pm; Friday, 12 pm—5 pm; Saturday (during school year), 9 am—5 pm;

(5) Salisbury State University Library, College and Camden Avenues, Salisbury, MD 21801, Monday—Friday, 8 am—10 pm; Saturday, 10 am—10 pm; Sunday, 12 pm—10 pm (library closed when school not in session);

(6) Library of Congress, Gifts and Exchanges Division, 10 First Street S.E., Washington, DC 20540, Monday through Friday, 8 am—4:30 pm;

(7) Division of State Documents, 1700 Margaret Avenue, Annapolis, MD 21401, Monday through Friday, 9 am—5 pm;

(8) State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, Monday, Wednesday, and Friday, 8:30 am—4:30 pm; Tuesday and Thursday, 8:30 am—9 pm; Saturday, 9 am—4 pm.

.04 Modifications to Model Performance Code.

A. As stated in Regulation .02B, the Model Performance Code is not binding on any subdivision of the State unless specifically adopted by it. A copy of the law, ordinance, or resolution adopting the Model Code shall be sent by the governing body of the adopting subdivision to the Secretary. Copies of all subsequent laws, ordinances, or resolutions pertaining to the Model Code shall similarly be sent by the governing body to the Secretary.

B. After adoption by a subdivision, alteration or modification of the Model Code is prohibited without prior concurrence of the Secretary.

C. The Department will regularly consult with local officials to review the application and effectiveness of the Model Code in each adopting subdivision.

D. Requests for Changes.

(1) Requests for changes, modifications, or exceptions to make the Model Code more effective and useful in any subdivision shall be submitted in writing by certified mail, return receipt requested, to the Secretary by the appropriate authority in the subdivision, together with the reasons for the request.

(2) Upon receipt of a request, the Secretary may:

(a) Concur with it;

(b) Take no action for a period of 30 days after receipt of the request, which shall be deemed concurrence; or

(c) Deny the request and notify the requesting subdivision in writing. The Secretary may utilize the 30-day period provided hereby for informal consultation with the requesting subdivision and with any other individuals or groups.

(3) Concurrence with requests for special Model Code provisions to meet local conditions will not be unreasonably withheld.

E. The administrative sections of Article 1 of the 2015 International Building Code are entirely administrative and may require alteration to adapt them to local use. Alterations to these sections of Article 1 are therefore excluded from the requirement of concurrence by the Secretary. However, any alterations shall be forwarded to the Secretary for the Department's records.

.05 Appeals of Code Interpretations or Applications.

A. If a subdivision provides for a body and procedures to hear building appeals, any person aggrieved by any application or interpretation of the Model Code may obtain review under the procedures.

B. Review by this Department shall be granted:

(1) If requested by the appeals body referred to in §A.

(2) If requested by the aggrieved party before commencement of appeal procedures provided by the subdivision. In that case, the Director of Codes Administration may, in his discretion, decline to review the question of interpretation or application and remand the question to the subdivision, because the question is of insufficient importance or can be resolved more readily at a local level, or for other reasons. The action is not reviewable.

(3) When a building appeals procedure is not provided by the subdivision.

C. An aggrieved person requesting review by the Department of an application or interpretation of the Model Code shall do so in writing, addressed to the Director of Codes Administration in the Department, together with a full statement of the circumstances and the reasons for challenge.

D. The Director of Codes Administration will normally refer the question of interpretation or application to ICC or NFPA, as the case may be, for answer by their respective interpretation services. The Director is not required to refer the question to ICC or NFPA. The Director shall notify the parties of the referral.

E. Within 10 days from the receipt by the Director of Codes Administration of the request for review, or within 10 days from receipt by the Director of an answer from ICC or NFPA when the question has been referred, the Director shall notify the parties of the Director's decision, with a statement of the reasons for it, including a copy of any communication from ICC or NFPA.

F. Review of an adverse decision of the Director of Codes Administration shall be by appeal to the Secretary, filed within 30 days after issuance of the decision by the Director.

.06 Code Improvements.

Any recommendations for changes to improve these regulations should be submitted to the Secretary with an explanation of the modification desired.

.07 Training and Certification of Building Inspectors.

In order to assist local jurisdictions to effectively administer the Model Code, the Department has the responsibility to train and certify building code enforcement officials in any jurisdiction where the Model Performance Code is in effect.